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COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

2016 APR 15 AM 9: 55

ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 6825

Complaint Receipt Date: May 19, 2014

Response Date(s): July 14, 2014

Respondents:

Tom MacArthur for Congress
Ronald Gravino as treasurer
(collectively the "Committee")

EPS Rating:

Alleged Statutory/

Regulatory Violations:

52 U.S.C. § 30120(a)(1)

11 C.F.R. §§ 100.26, 110.11(b)(1)

The Complaint alleges that the Committee violated the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations by mailing campaign brochures that lacked disclaimers stating that the Committee had paid for them. Respondents acknowledged that the disclaimers were inadvertently omitted.

The brochure enclosed with the Complaint included printed references to the Committee and photographs of MacArthur, a summary of his campaign platform and a statement signed by him, and the Committee's logo, official website address, return mailing address, and the address of its related social media accounts. Thus, although noncompliant, the information contained in the brochure reflects the identity of the party responsible for it.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for

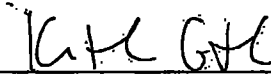
Commission action after application of these pre-established criteria. Given that low rating and the other circumstances presented, we recommend that the Commission dismiss the allegations consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.


Daniel A. Petalas
Acting General Counsel

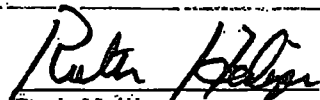
Date

4/7/16

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